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Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Cassady <i>et al.</i>)	Examiner: Bruck Kifle
Serial No.:	10/599,930)	Art Unit: 1624
Filed:	April 25, 2008)	Confirmation No.: 6717
For:	MAYTANSINOID ANALOGS AS ANTITUMOR AGENTS)	Attorney Docket No.: 22727/04427

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION ESTABLISHING THAT A REFERENCED ARTICLE
DESCRIBES APPLICANTS OWN WORK (37 CFR 1.131)

I, Heinz G. Floss, state as follows:

1. I am one of the two inventors of the above-captioned patent application.
2. This declaration is to establish that Spiteller *et al.*, "The Post-Polyketide Synthase Modification Steps in the Biosynthesis of the Antitumor Agent Ansamitocin by *Actinosynnema pretiosum*," Journal of the American Chemical Society 125(47), p. 14236-14237, (2003), which was used to establish a rejection under 35 U.S.C. §102(a), describes applicants own work, and therefore does not constitute a proper reference under 35 U.S.C. §102(a) which requires that the work be by another. See *In re Katz*, 687, F.2d 450, 215 USPQ (CCPA 1982).

Application No. 11/816,767
Attorney Docket No. 18525/04213
Declaration Under 37 CFR 1.131

3. I am a co-author of Spitteller *et al.*, "The Post-Polyketide Synthase Modification Steps in the Biosynthesis of the Antitumor Agent Ansamitocin by *Actinosynnema pretiosum*," Journal of the American Chemical Society 125(47), p. 14236-14237, (2003), which describes my work.

4. Peter Spitteller, Linquan Bai, Guangdong Shang, Brian J. Carroll, and Tin-Wein Yu, who are the other coauthors of Spitteller *et al.*, "The Post-Polyketide Synthase Modification Steps in the Biosynthesis of the Antitumor Agent Ansamitocin by *Actinosynnema pretiosum*," Journal of the American Chemical Society 125(47), p. 14236-14237, (2003), were students working under my direction and supervision.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/22/10

Date

Heinz G. Floss

Dr. Heinz G. Floss